

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**JAYANA RUSHING,**

Plaintiff,

Case No. 3:21-cv-01308-JR

v.

OPINION AND ORDER

**ROSS DRESS FOR LESS, INC.,** *a Virginia Corporation,*

Defendant.

**MOSMAN, J.,**

On December 2, 2021, Magistrate Judge Jolie Russo issued her Findings and Recommendation (“F. & R.”) [ECF 12]. Judge Russo recommends that I deny Plaintiff Jayana Rushing’s Motion to Remand [ECF 6]. Objections were due on December 16, 2021, and none were filed. I agree with Judge Russo.

**STANDARD OF REVIEW**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121

(9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

### CONCLUSION

Upon review, I agree with Judge Russo's recommendation and I ADOPT her F. & R. [ECF 12] as my own opinion. I DENY Plaintiff's Motion to Remand to State Court [ECF 6].

IT IS SO ORDERED.

DATED this 17 day of December, 2021.

  
MICHAEL W. MOSMAN  
United States District Judge